

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

TCYK, LLC,)
)
)
) Case No.: 13-CV-300
Plaintiff,)
)
v.)
)
DOES 1-99,)
)
Defendants.)

**OBJECTION TO MOTION TO QUASH OF
DOE 73, OWNER OF IP ADDRESS 71.90.42.100 [Document #: 15]**

Doe 73's objection to the subpoena appears to be based on privacy concerns. Yet, as a general rule, a party lacks standing under Rule 45(c)(3) to challenge a nonparty subpoena unless the party claims a personal right or privilege with respect to the requested discovery. *Geralyn Masterson v. Stueber's Inc. et al.*, No. 10-cv-608 (W.D. Wis. April 27, 2011).

To the extent Doe 73 has any concerns about the potential misuse of the identifying information, this Court's Order permitting discovery already provides adequate safeguards by restricting Plaintiff's use of Doe 73's identifying information to protecting and enforcing its rights as set forth in its Complaint. Moreover, to the extent Doe 73 is claiming that disclosure of any identifying information would constitute a violation of privacy, such a claim is not valid because Doe 73 does not have a legitimate expectation of privacy to information that was voluntarily disclosed to the ISP. *See Achte/Neunte Boll Kino Beteiligungs GmbH & Co. v. Does 1-4*, 577, 736 F. Supp. 2d 212, 216 (D.D.C. 2010) ("[C]ourts have held that Internet subscribers do not have an expectation of privacy in their subscriber information as they already have conveyed

such information to their Internet Service Providers.” (collecting cases)); *Malibu Media, LLC. v. John Doe Subscriber Assigned IP Address 174.51.234.104*, No. 13-cv-00307 (D. Co. July 14, 2013) (same). Nor was any evidence provided to the Court indicating that Plaintiff or counsel have misused any defendants’ identifying information.

Thus, Plaintiff respectfully requests that Doe 73’s motion be denied so that the claims against Doe 73 may be advanced.

DATED: July 23, 2013

Respectfully submitted,

TCYK, LLC

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